

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

BRADLEY THOMAS, &	)	
LAURIE THOMAS	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:06-CV-165
	)	
NCB MANAGEMENT SERVICES,	)	
INC., & JOHN HARDING,	)	
INDIVIDUALLY	)	
	)	
Defendants.	)	

---

**DEFENDANTS RESPONSES TO THE PLAINTIFF'S  
FIRST REQUEST FOR ADMISSIONS OF JOHN BROWNING**

---

COMES NOW, the Defendant, by and through their undersigned counsel of record, and responds to the Plaintiff's Request for Admissions as follows:

1. Plaintiff is a consumer" as that term is defined by 15 U.S.C. Sect. 1692a(3).

**RESPONSE: This Defendant is not aware of a Defendant, "John Browning" and therefore objects to this Request.**

2. The debt you sought to collect from Plaintiff is a "debt" as is defined at 15 U.S.C. Sect. 1692a(5).

**RESPONSE: This Defendant is not aware of a Defendant, "John**

**Browning” and therefore objects to this Request.**

3. You are engaged in the collection of debts from consumers using the mail and telephone and you regularly attempt to collect consumer debts alleged to be due another.

**RESPONSE: This Defendant is not aware of a Defendant, “John Browning” and therefore objects to this Request.**

4. You are a “debt collector” as that term is defined by the Fair Debt Collection Practices Act, U.S.C. Sect. 1692a(6).

**RESPONSE: This Defendant is not aware of a Defendant, “John Browning” and therefore objects to this Request.**

5. The Fair Debt Collection Practices Act, 15 U.S.C. Sect. 1692 et seq., applied to the collection of the debt you sought to collect from Plaintiff.

**RESPONSE: This Defendant is not aware of a Defendant, “John Browning” and therefore objects to this Request.**

6. The underlying alleged debt was incurred for personal, family, or household purposes.

**RESPONSE: This Defendant is not aware of a Defendant, “John Browning” and therefore objects to this Request.**

7. No formal verification of the debt was provided to either Plaintiff by Defendant.

**RESPONSE: This Defendant is not aware of a Defendant, “John Browning” and therefore objects to this Request.**

8. You violated the Fair Debt Collection Practices Act, 15 U.S.C. Sect. 1692 et seq., in your attempts to contact third-parties to collect the alleged debt from Plaintiffs.

**RESPONSE: This Defendant is not aware of a Defendant, “John Browning” and therefore objects to this Request.**

9. At the time contact was made with the third-parties to help you try and collect the alleged debt from Plaintiffs, you knew the location of the Plaintiffs’ by mailing address, telephone number and other information necessary to communicate with Plaintiffs.

**RESPONSE: This Defendant is not aware of a Defendant, “John Browning” and therefore objects to this Request.**

Respectfully submitted,

/s/Michael P. Barratt  
JEFFREY L. LUTHER (LUTHJ0532)  
MICHAEL P. BARRATT (BARRM3920)  
Attorneys for Defendants

**OF COUNSEL:**

LUTHER, OLDENBURG & RAINEY, P.C.  
Post Office Box 1003  
Mobile, Alabama 36633  
PH: (251) 433-8088  
FX: (251) 433-8011

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 30<sup>th</sup> day of August, 2006, served a copy of the foregoing upon counsel to all parties to this proceeding by placing the same in the United States mail, properly addressed and first-class postage prepaid.

David G. Poston, Esquire  
Brock and Stout  
P. O. Drawer 311167  
Enterprise, AL 36331-1167

Gerald A. Templeton, Esq.  
The Templeton Group, P.C.  
1000 Providence Park, Suite 200  
Birmingham, AL 35244

/s/ Michael P. Barratt

OF COUNSEL